Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

No. _____

IN THE
UNITED STATES SUPREME COURT
AMERICA

October Term, 1997

In Re:
Eileen Vey

THE INTERGALACTIC CASE OF LAW AND ORDER

PETITION FOR AN
Extraordinary Writ
MANDAMUS/PROHIBITION

Eileen Vey, Th.D.
804 Cedar Avenue
Pittsburgh, Pennsylvania 15212
TEL/FAX (412) 322-3131

34 pp

QUESTION PRESENTED

I.

WILL THIS CASE BRING LAW AND ORDER
TO THE UNIVERSE.

PARTIES INVOLVED

The United States of America, all goverments of the universe, and "We The People of the Universe!"

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No.

In The
United States Supreme Court
AMERICA

October Term, 1997

In Re
EILEEN VEY
The Intergalactic Case

Petition For An
EXTRAORDINARY WRIT
Mandamus/Prohibition

By The Power invested in me, I, Eileen Vey, hereby command this court to grant an Extraordinary Writ of Mandamus/Prohibition for the good of the Universe.

PREVIOUS ORDERS

During a decade of legally valid litigation, Vey has been denied due process, suffered extreme prejudice in the federal court system, unable to obtain relief from The President and Vice President of The United States, the U.S. Senate, state and local governments, the U.N. (state of the universe as evidence), and the International Court of Justice on April 23, 1998, Appendix 1. On January 9, 1998, The U.S. Supreme Court again denied her last case of No. 96-8796, has prevented litigation from entry to court, denied in forma pauperis status, prevented her first intergalactic attached case of 96-6050, Appendix 3, knowing she is indigent, disabled in wheelchair, in need of medical attention, in pain, with no lawyer, 18 USC §§ 241, 245, etc.

JURISDICTION

Therefore, Jurisdiction is invoked under the Extraordinary Writ, 28 § 1651(a), for reasons stated above 1) that Vey can not obtain relief anywhere in the galaxy, neither with her personal, nor with universal intergalactic matters presented herein, 2) that existing exceptional circumstances of intergalactic welfare of all people warrants this courts immediate expeditious power, and 3) that all these urgent exceptional matters decided herein this case will be used in the lower courts below (appellate).

U.S. CONSTITUTIONAL PROVISIONS

The provisions in this case involve Interplanetary Law, International Law, inclusive of Diplomatic Immunity, U.S. Constitution, Federal, state, local, laws, statutes, ordinances, regulations, codes, policies, procedures, written or unwritten, that conflict with one another or with our U.S. Constitution that is in need of updating to meet the 21st Century's need.

STATEMENT OF CASE

This case is presented for reasons of urgency due to the state of universal chaos: sedition, anarchy, treason by leaders, another nuclear race running rampant and out of control, high technology without laws, no control, chemical and biological technology out of control and in the wrong hands of private citizens and corporations, all without laws, lack of intergalactic security, nonexistence of intergalactic welfare for all, conflicting universal laws, nonexistence of enforcing laws, prejudicial law system, not inclusive of the rich and powerful, lack of national security, violations of national security, official oppression, malicious prosecutions by officials for personal gain or prejudicial reasons, and the list goes on and on. See Appendix 3, Case 96-6050

Moreover, this case is presented for reasons that the petitioner has personal matters yet to be resolved in the above matters and, therefore, justice is sought here.

In brief, Vey expects to bring universal harmonious law and order with this case, for the welfare of all the people of the universe.

Reasons For Granting the Writ

For reasons of **Intergalactic Urgencies** as stated above, this Court should not only grant The Writ, but also cancel summer recess in order to decide these urgent deadly serious intergalactic matters herein. **Again!** Wake Up! The United States, other countries and the universe are in an urgent crisis! Appendix 3, case 96-6050

Because everything we do is relevant with the entire universe these days (we travel, communicate, trade, the air we breath): everything is effected universally. Vey wants to initiate a universal one law system, as well as establish universal law and order for the benefit of "We The People of the Universe." Vey expects to begin this task in this Court, since she is being denied access to the International of Justice, since all national and some international law is challenged here and because this Court has international jurisdiction on such urgent cases of Civil or Human Rights and commercial oppression under the Sherman Act (15 USC §§ 1 et seq.), **Hartford Fire Ins. Co. v. CA**, 509 US 764; Foreign Sovereign Immunites Act (28 USC §§ 1330, 1602 et seq.), **Argentine Republic v. Amerada Hess Shipping Corp.**, 488 US 428; **Republic of Argentine v. Weltover, Inc.**, 504 US 607; **Saudi Arabia v. Nelson**, 507 US 349.

First, from an intergalactic view, some of the troubles and tragedies matters challenging us for the immediate need of laws and enforcement are: eco-system relevant to human existance, communications (computer), outer space traveling and trade, debri in space, space equipment breakdowns and space scams, meteors observance, nuclear testing airborn health and weather hazards, laws and enforcement. The dangerous consequences posing us without computer laws are endless: hacking or illegal spying, national security problems, hostile sabatoge of national security weapons creating disasters, private information criminal usage especally dangerous to the people, when used by corporate medical business and criminal infiltrators of government.

Second, from an international view, more urgent matters for laws and enforcement are: ghoulish corporate medical business (chemical/biological/technological/murder and schemes to procure body-parts, "hitmen" and "political assassins" MD's); conditions of world's major dams and bridges (blackouts, floods); old nuclear plants (meltdown,

BEST AVAILABLE COPY

blackouts); disease control; control of hazardous biological/chemical/hi-technological weapons, that can be purchased internationally by anyone to drop from planes, to airborn offshore toward land by boats, to plant in air systems, to use upwind of anyone or group; transportation safety, planes (parts falling from planes, riotous drunks), commercial plane routes over populous areas, disease carrying passengers, dangerous communications systems), tankers, ferries, cruise ships; private and corporate workers with national security information and technology access; prohibition of private information; sports, humane treatment of animals; newsmedia's crimes; one currency system; banking; polution; farming and farmland 7-year rest; cults; unprosecuted international and national crimes; the release of Hong Kong from China and China's; Vey must warn "We The People of the Universe" that worse disasters and troubles are on the horizon and, therefore, we must unite together to assist one another.

Third, from a national view, the troubles and tragedies challenging us are: Treason by leaders, Anarchy, Sedition, government operating against our "U.S. Constitutional and Republican form of Government!" ARTICLES IV and VI § 2 mob-type politicians infiltrating our government system; unprosecuted crimes of the leaders, the rich, the powerful, abolishment of diplomatic immunity, the murder of Sen. Heinz, Who?; did President Clinton and Vice President Gore commit crimes or is Star the epitomy of Vey's complaints of criminal prosecutors, illegal prosecutions in America; defraudation of taxpayers money for political and big business concerns; numerous other unprosecuted crimes in this country, such as those reported by Tom Brokaw's News, 20/20, 60 Minute; NO ONE should be above the law!; one tax system; deadly polution in need of control - deadly nicotein outlawed immediately, immediate truck emissions enforcement, charcoal grills outlawed; needs of disabled; noisey vehicles and powerful boom boxes outlawed; licensing, registration of vehicles should be national; corporate and military medicine under court control (biological/chemical hazards in criminal hands); national security risks of ex-CIA, FBI, MILITARY people (where do spies and ex-security jobbed persons go when not needed?); national security multi-breaches; Martial Law; Vey's charge of MILITARY, C.I.A., U.S. DEPT OF JUSTICE.

Fourth, the urgent state and local matters: illegal operation of governments against our "U.S. Constitutional and Republican form" of government, against the Supremacy of federal government, Article VI § 2, The Linchpin of our Constitution, against international and federal law: legislation in violation, executives, governors and locals illegally acting as diplomats in other countries, in vestigation of fraudulant votes and elections in states; "carpetbagging" through illegal tax laws; illegal justice systems; state drivers license and registrations should be national, not state; discriminative election laws for only the rich and powerful (usually unqualified); many unprosecuted crimes; sedition, anarchy, treason, RICO, Civil Rights!

Fifth, Vey commands Court to declare her innocence in the habeas corpus due to "reasonable doubt" of insanity and order state to vacate her "illegal custody" judgment.

Sixth, Vey commands this Court to Order immediate urgent medical treatment for all medical problems and order the illegal medical business under government control!

Seventh, there is the urgency of witness protection for Vey's relatives, if they so desire.

Eighth, there has been a chemical problem in Vey's 800 block of Cedar Avenue for five years; there are no insects, worms, birds in her tree, a matter of which she can obtain no help from local F.B.I., D.E.A., city narcotics and police.

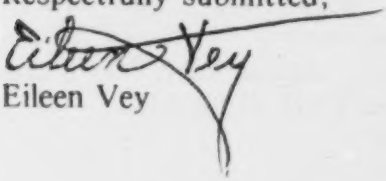
In addition to Vey's initiating a universal one law system to meet these new demands of the 21st Century, universal crime clean-up, a universal assistance program for tragedic times, she **is commanding bench warrants for the arrests of the criminals**. Also decide attached 96-6050.

Upon docketing or writ granting, Vey is serving this writ on major countries in hopes of their rallying to her support with their Amicus Curie briefs.

Conclusion

Therefore, Grant this urgent Mandamus/Prohibition Extraordinary Writ so the necessary Orders will be issued to accomplish universal law and order.

Respectfully submitted,



Eileen Vey

Eileen Vey, Pro Se

Appendix 1

INTERNATIONAL COURT OF JUSTICE
PEACE PALACE 2517 KJ THE HAGUE NETHERLANDS
TELEPHONE: (070) 3022323 TELEX 32323
CABLES: INERCOURT THEHAGUE
TELEFAX: (070) 3649928

23 April 1998

Dear Madam,

His Excellency Judge Stephen M. Schwebel asked me to reply to your letter received on 15 April 1998.

In reply, I regret to inform you that, by virtue of Article 34 of the Statute of the International Court of Justice, "only States may be parties in cases before the Court", and that only international organizations authorized within the meaning of Article 65 of the Statute may request advisory opinions of the Court.

It follows that neither the Court nor its Members may consider applications from private individuals or groups, provide them with legal advice, or assist them in their relations with the authorities of any country.

That being so, you will, I am sure, understand that no action can be taken on your letter.

Yours faithfully,

Deputy-Registrar

Mrs. Eileen Vey
804 Cedar Avenue
Pittsburgh PA 15212-4812
United States of America

Appendix 2

SUPREME COURT OF THE UNITED STATES

IN RE EILEEN VEY

ON MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

No. 96-8005. Decided April 14, 1997

PER CURIAM.

Pro Se petitioner Eileen Vey seeks leave to proceed in forma pauperis and requests this Court to issue a writ of habeas corpus vacating her 13-year-old convictions.

This is not Vey's first filing in this Court. In the past 6½ years, she has filed 11 petitions for certiorari, 12 petitions for extraordinary relief, and 2 applications for bail. All of these have been denied. For the first 14 of those submissions, we granted her motions to proceed in forma pauperis. Since then, we have five times denied her leave to proceed in forma pauperis under Court's Rule 39.8.*

We again deny petitioner's motion to proceed in forma pauperis. Her various allegations are supported by nothing other than her own conclusory statements that they are true. Petitioner is allowed until May 5, 1997, within which to pay the docketing fees required by Rule 38 and to submit her petition in compliance with Rule 33.1. In light of her history of frivolous, repetitive filings, we direct the Clerk of the Court not to accept any further petitions for extraordinary writs from petitioner unless she first pays the docketing fee required by Rule 38 and submits her petition in compliance with Rule 33.

We enter the order barring future in forma pauperis filings for the reasons discussed in Martin v. District of Columbia Court of Appeals, 506 U.S. 1 (1992).

It is so ordered.

JUSTICE STEVENS, dissenting.

For reasons previously stated, Se Martin v. District of Columbia Court of Appeals, 506 U.S. 1, 4 (1992), and cases cited, I respectfully disent.

*Rule 39.8 provides: "If satisfied that a petition for a writ of certiorari, jurisdictional statement, or petition for an extraordinary writ is frivolous or malicious, the Court may deny a motion for leave to proceed in forma pauperis."

Appendix 3

No. 96-6050

In The

Supreme Court of the United States

October Term, 1996

IN RE

EILEEN VEY

PETITION

FOR AN

EXTRAORDINARY WRIT

MANDAMUS/PROHIBITION

EILEEN VEY, TH.D.
804 Cedar Avenue
PITTSBURGH PA 15212
(412) 322-3131

QUESTION PRESENTED

I.

IS THE UNITED STATES SUPREME COURT GOING TO PERMIT EILEEN VEY TO BRING LAW AND ORDER TO HER COUNTRY BY GRANTING HER THE REQUESTS CONTAINED HEREIN.

LIST OF PARTIES

The parties are Eileen Vey, President Clinton, every U.S. Senator, that is, all government officials in America, and "We The People of The United States of America."

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No. _____

In The

Supreme Court of the United States

October Term, 1996

IN RE

EILEEN VEY

PETITION

FOR AN

EXTRAORDINARY WRIT

MANDAMUS/PROHIBITION

Petitioner Vey respectfully prays that an Emergency Extraordinary Writ of Mandamus/Prohibition be granted immediately.

OPINIONS BELOW

The voluminous 7-year compilation of Orders and denied cases unofficially reported is impos-

sible to submit here. However, the multi-case of Vey v. President Clinton, Et. Al., pending appeal (CA3RD), and Vey v. District Attorney Colville, Et Al, appealed here (CA3RD), and Com of PA v. Vey, PA Sup Ct, Orders appear Appendix 1-3.

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JURISDICTION

Jurisdiction of The United States Supreme Court is envoked pursuant to 28 USC § 1651(a), due to this case being of a demand for National Emergency relief, 7-year predjudice below, pending § 2101(e) appeal, appeal §§ 1254, 1257, 1251.

<>

CONSTITUTIONAL PROVISIONS

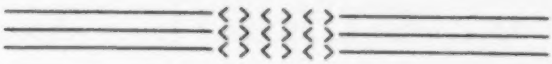
The entire U.S. Constitution and all Federal, state, local statutes, ordinances, regulations, procedures, codes, policies written or unwritten and in operation that conflicts with the First.

<>

STATEMENT OF CASE

This is a case that has develped into a National Emergency Case from the first of eighteen (18) denied valid cases of Vey in the U.S. District Court (WD of PA) at Pittsburgh plus two

(2) cases she submitted for others, Mariel Cuban and a Philadelphia jail murder of an unborn baby.



REASONS FOR GRANTING THE WRIT

Eileen Vey's petition for Emergency Extraordinary Writ of Mandamus/Prohibition should be granted due to the National Emergency relief that is sought, relief cannot be obtained in any other court or in any other form, and the exceptional circumstances involved that warrant the exercise of the Court's discretionary powers.

I.

NO RELIEF ANYWHERE!

Most of the various reliefs sought here has been presented in letter request form and in litigation to courts. Those documental exhaustive submissions total the Federal Legislative, Executive, and Judicial Branches of government, State Legislative, Executive, and Judicial Branches of government, city and county governments, as well as China's Premier and Chief Judge (Health Care), which some above matters began in 1984.

II.

EXCEPTIONAL CIRCUMSTANCES!

WAKE UP! AMERICA IS AT WAR (CIVIL AND FOREIGN) AND UNDER SEIGE! ANARCHY AND SEDITION (LAWLESSNESS AND REBELLION).

This result of decades of The American People being **betrayed** by our unqualified, self-and-wealthy-serving leaders, who make election-time FAIR SHOWS and SPEECHES, with these facts substantiated by the Prima Facie Evidence of 1) the state of the country and 2) the U.S. Deficit defraudation of both The American Peoples' Tax money and services (voluminous Federal violations). Unless Eileen Vey's only recourse is taken through this court immediately, our country is doomed.

<><><>

AMERICAN LAW AND ORDER RESTORED

MARTIAL LAW, BLOCKADE AND DEPORTATION COURT ORDERS IMPERATIVE

In order for Eileen Vey to save her country from total destruction, it is imperative that she obtains Mandamus/Prohibition Orders for Martial Law, Blockade and Deportations. This will assist her in ridding her country of the hostile foreign armies of terrorists, businesses, which have already destroyed numerous towns, mafias (Russian,

Chinese, etc.), foreign organized crime, in obtaining civil order, and time for Vey to stop further invasion, time to bring law and order to her government, time to unite and strenghthen her country's armies, and time to write laws appropriate to the 21ST Century.

<>

VEY DEMANDS COURT ORDER TO UNITE ALL ARMIES FOR TRAINING

In order to be army effective in war, security, defense, protection, disaster-ready, training, Vey needs a Court Order to consolidate all her country's armies into one (Army, Navy, Coast Guard, Marines, Air Force, Customs, CIA, FBI, DEA, AFT, Secret Service, Disease Control, state and local police, Firefighters, etc.) and these forces to present their or some expert to screen all backgrounds, train and divisionalize them. This demand is predicated upon further coming disasters, half our country is on fire (West 50 fires) now without manpower and equipment, the urgency for hazardous disease/chemical control, 10-state power outage (Power Plants checks and possible sabatoge), Bridges and Dams are unsafe, Fireworks disasters, Tar Roof and hazardous building material safety, et cetera. Therefore Vey further demands Court Order for Army empowerment to deal with the above and below. STOP deisel fuel use!

AMERICAN PEOPLES' HEALTH/WELFARE

Vey needs Court Orders to protect The Peoples' health and welfare, namely, for chemical control concerning dumping, further manufacturing, safety of carrying vessels and transportation routes, ban of hazardous chemicals to unauthorized persons, of usage, ban of flammable tar roofs, ban on hazardous chemical additives used in gasolines, ban on any chemical (medicine) that anyone can prove unsafe to health or hazardous to public, ban on the hazardous toxin nicotine.

Vey needs a Court Order to consolidate SSI, Welfare and Social Security into one Federal Fund for those who are disabled physically, mentally, educationally, and agely.

Vey needs Court Order for all Health Care under Federal Government control, not only for "equal protection" for all the People and their safety, but also for National and Worldwide Security concerning chemical control, biological warfare, political assassinations (mafias own health care businesses), and organ donor control.

Vey needs Court Order for all Research, for reasons above, illegal experimentation by hospitals on patients, torturing of animals,to go under government control, as well as all charities concerning research.

Vey needs Court Orders of price reductions and caps on utilities, Cables, Telephones due to the outrageous bills and high technology, which should make bills economical. Moreover, Orders are needed for Computers in regards to privacy, "viruses." Securty house and auto alarms need orders to stop interference with police work, is, most alarms are "bogus" and tie up police.

The People need protection of their money concerning Sports. Order BIG BUSINESS SPORTS to build their own stadiums, arenas, et cetera in their own neighborhood.

Vey wants Transportation Safety & Communication Laws upgraded to 21ST CENTURY technology.

Vey wants an Order to cap Gambling amount spent (Las Vegas, etc) to protect The People and Families of losing their money, because of someone being out of control while gambling.

In addition to protecting The American Family's money, an Order concerning Wills and Marriage should be appropriate as to prohibit loss. Moreover, in Pennsylvania, there is an illegal law, which a psychiatrist can keep a person from their money, which Vey wants Prohibition Order.

Vey wants this Court to Order strict Marriage Laws, support of families, pregnancies, fetal protection.

Vey wants a Court Order to protect all The People from news media's harrassments and violations of privacy rights. Public figures have same rights as others.

Vey wants a Court Order to protect The People from dangerous dogs in the possession of incompetents, Rotweillers and Pit Bulls outlawed, and strict ownership and abuse Animal Laws.

Vey wants a Court Order to prohibit some children from denying grandparents from visitation rights, an Order also applicable to country's Children and Youth Services. Vey particulary wants a Court Order to Pittsburgh, Allegheny County Children and Youth Services, who are prohibiting her from seeing her granddaughter, Jamey Turney.

Vey wants a Court Order for money from the government for Education, teaching effectiveness, materials, building safety, and security and transportation safety of the children in order to protect against abductions.

Vey wants a Court Order (Trade) for all products to comply with American Laws and the products should be biodegradable to protect the country from becoming a BIG DUMP!

Vey needs a Court Order for funds from the government for Public T.V. and for U.S. Senate meetings be seen on it and such meetings have restrictions, and a prohbition of lobbying.

Vey wants Court Order to prohibit big businesses from destroying towns and cities, work safety, and owning private "police forces."

Vey wants Court Order for imports to comply with our laws of Health (diseases), Safety, Trade, etc. Laws and 18 USC §§ 552, 545...

Vey wants Court Order concerning Ad fraud, child exploitation, Medical brainwashing ads.

Vey wants Court Order for Nationwide expert Weathermen and equipment for an intensive effective Weather Warnings to protect The American People.

Vey wants Court Order for Building Codes appropriate to the Weather Zone (Hurricane, Earth Quakes, Tornados, Floods) for The Peoples' protection.

Vey wants a Court Order for Animal Sanctuaries.

Vey wants a Court Order for an effective Nationwide 911.

Vey wants Court Order to government for disabled housing, equipment, transportation..... as well as housing for the homeless.

AMERICAN GOVERNMENT CLEAN-UP

The American governments are operating in violation of our **U.S. Constitutional Form** of government and in violation of The Peoples' Civil Rights and Federal Crime Laws. Vey detected this during a 13-year period of submissions of her Prima Facie Habeas Corpus, without rebuttal evidence, and her Federal Crime Detection Reports in both litigation and letter form to the Federal Government (Legislative, Executive, Judicial Branches), the State (legislative, executive, judicial branches), as well as local government officials.

Therefore, Vey not only wants to take charge of saving America from overthrow, destruction and providing The American People with Security and needs, but also she wants to Clean-up government.

To do this, Vey first needs a Court Order granting Statute of Limitation Extension for reason that she has been litigating state case, Central..v. Slotky (1992) 956 F2d 1369 (7TH) and Rodriquez v. Holmes (1992) 963 F2d 799, 805 (5TH).

Moreover, Vey needs Court Order to prohibit all Federal Judges below, who for 8 years are in violations of 28 USC §§ 47, 144, 455(d), refuse to recuse themselves, and who are parties in Vey's case, from taking her cases. GRANT HABEAS CORPUS!

Next, Vey needs Court Orders appropriate to her colossal Government Clean-up and other cases below: Orders for an army of U.S. Attornies, for an army of Federal Judges, for a stadium-size courtroom (Pittsburgh Civic Arena), for Security, for T.V. for the American People, for authorization for Vey to assign an expert team to organize the above and to report their progress to her.

The army of U.S. Attornies is needed for Vey's additional request here for Court Orders to U.S. Attornies to prosecute the following Civil Rights, RICO, etc. cases: President Clinton's 18 USC §§ 241, 245, RICO, etc. against Vey, President Clinton's 18 USC §§ 241, 245, RICO, etc. against U.S. Senator Specter, President Clinton's 18 USC §§ 2, 3, 4 of Vey's crime reports, Sun Oil's 18 § 32 in re U.S. Sen. Heinz, etc, Democrat Party's illegal deprivations of Governor Casey 18 USC §§ 241, 245, Vey's deprivations by Federal, State, and local officials (multitude) 18 USC §§ 2, 3, 4 RICO, ETC, Vey's Rodney King case, Mariel Cuban case, Philadelphia Lucas case, Vey's 5-state hospital case, Habeas Corpus appealed here, Vey's Chicago case, the "Noel" case of Chicago involving a pschiatrist, the "Move" case of Philadelphia, the case of Nicole Brown, Freeman case of Montana, extension of the cases of Ruby Ridge, Davidian Com-

pound, Rodney King, Pittsburgh cases of Duff, Arend, Miller, Clark, Gamage, Bay, Kavorkian's killings, Fraternities' killings by alcohol, hazings, etc, various Armed Forces cases, "Sweat Shop" slavery cases, Vey's multi-case below against President Clinton, et al,, Pittsburgh's Officer Wilbur case, and any new case. The extension and inclusion of all the above and later additions will include the leaders/officials responsible. Moreover, Vey wants Orders of Prohibition of Cults, illegal jail and prison practices and of The President's illegal 3-Strikes and you're Out Law (life for steal bread).

In all the above and more, know that officials are responsible for acts omitted Johnson v. Duffy (1978) 588 F2d 740 acts through training, supervision and discipline Hill v. Marinelli (1982) 555 FS 413, 562 F2d 383, Lucas v. O'Loughlin (1987) 831 F2d 232, which elicit violations of deprivations, etc. Furthermore, know that The President, Members of Congress, etc do not have immunity when acts create deprivations and fall out of scope of duties, Nixon v. Sirica (1973) 487 F2d 700, (1979) 481 FS 1086, ap dismd 624 F2d 3, McSurely v. McClellan (1976) 553 F2d 1277, cert gr 434 US 888, 753 F2d 88, cert dn 88 LEd2d 457.

Involved in Vey's cases against President

Clinton, Vice President Al Gore, First Lady, et al are RICO violations against Eileen Vey and, therefore, all must be prosecuted according to US v. Schwartz (1991) 924 F2d 410, Carpenter v. US (1987) 484 US 108. For these reasons, Vey wants Order for the consolidation of her case into one Criminal and Civil case. (42 USC § 1983)

In brief, Eileen Vey's case here against President Clinton involve relentless, unsuccessful, voluminous pleas for help and Federal Crime report of the gross deprivations of rights concerning legal matters of her state Habeas Corpus, matters of her disabled condition (Medical treatment, SSI, equipment, housing, etc) without relief now, since 1993 to him, Congress, officials across the country.

Because of this illegally operated country, Vey is challenging The U.S. Constitution and every Law in America and abroad as to their consistency with one another (Law) and with their enforcement with **ALL PEOPLE** in America (politicians, diplomats, foreign visitors, etc). The evidence is clear that the very Linchpin of our U.S. Constitution, ART. VI § 2 (Supremacy Clause) and our state Republican Form, ART. IV, are being violated also AND, therefore, Vey request Court Order for a President fill-in, while under Martial Law, Texas v. US (1984) 83

LEd2d 203; 5 USC § 7311; ARTICLE III § 2.

For these reasons stated above, Vey needs a stadium-size courtroom to determine responsibility to design one law system, to reorganize her country's democratic system to that of one of reality, not in name only, and to update system of government to our 21ST CENTURY'S needs! That is, **EILEEN VEY wants to reenact July 4, 1776, HOWEVER, THIS TIME, with every leader in America and with THE AMERICAN PEOPLE!**

Lastly, Vey wants Orders for Amnesty for all prisoners in America (except dangerous), Shutdown of the entire illegal justice system, until a Federal one law system is established at the stadium size courtroom, where all America's leaders and People will meet as Ordered, Stop Spending, other than operations, and **Copyright Vey's** ideas here.

<>><><

CONCLUSION

WHEREFORE, GRANT Vey's demand for an Emergency Extraordinary Writ of Mandamus/Prohibition issue for reasons set forth above.

RESPECTFULLY SUBMITTED

EILEEN VEY, PRO SE
804 Cedar Avenue
Pittsburgh PA 15212
(412) 322-3131

U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT
C.A. No. 96-3278

EILEEN VEY
vs.
ROBERT E. COLVILLE, ET AL.
(W.D. Pa. Civ. No. 95-cv-01531)

Present: BECKER, ROTH and SARKIN, CIRCUIT JDGS

Submitted are:

(1) Appellant's motion for leave to appeal in forma pauperis and affidavit in support thereof, pursuant to Rule 24, frap;
(2) Appellant's document "Motion For Immediate Expedition of This Appeal and Motion to Decide Case on its 3 Year Record";
(3) Appellee's response to motion to proceed in forma pauperis; and
(4) Appellee's document "Motion To Dismiss Appeal", which the Court may wish to construe as a motion for summary action pursuant to Chapter 10.6 of the Court's Internal Operating Procedures

in the above-captioned case.

Respectfully,
SISK/NBS
Clerk

PDS/NBS/ms

ORDER

The foregoing motion for leave to proceed in forma pauperis is granted; however the appeal is dismissed as it is without arguable legal and/or factual merit under 28 U.S.C. § 1915(e)(2)(B)(ii). All other motions are denied as moot.

By the Court,
BECKER
Circuit Judge

DATED: JULY 29, 1996

APPENDIX 1

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EILEEN VEY, Plaintiff, vs. PRESIDENT & FIRST LADY CLINTON, CHINA PREMIER LI PENG, U.S. SENATOR BOB DOLE, U.S. SENATOR ARLEN SPECTER, U.S. SENATOR JESSIE HELMS U.S. SENATOR WOFFORD, U.S. SUPREME COURT JUSTICE REHNQUIST, , REN JIANXIN, CHINA SUPREME PEOPLE S COURT, D. SLOVITER, CHIEF JUDGE, U.S. COURT OF APPEALS (3RD), J. RENO, U.S. ATTORNEY GENERAL, LOUIS FREEH, F.B.I. DIRECTOR, ROBERT P. CASEY, PA GOVERNOR, M. SINGEL, PA LT. GOVERNOR, PA GOVERNOR ELECT RIDGE, M. SCHWEIKER, PA LT GOV ELECT, PA ATTORNEY GEN PRATE, C.J. NIX, FR., PA SUPERIOR COURT, CH J ROWLEY, ROBERT COLVILLE, ALL CO D.A., TOM FORESTER, CHRMN ALL CO COMMISS, PITTSBURGH MAYOR TOM MURPHY, AMA PRES JOS. T. PAINTER, ABA PRES R. WILLIAM IDE, III, ACLJ PRES JAY SEKULOW, ACLU PRES NADINE STROSSEN, AMTRAK PRESIDENT, LAIDLAW TRANSIT INTERNATIONAL, NATIONAL (OWENS) PRESIDENT, GREYHOUND BUS PRESIDENT, AND ADM JDG SSI PACE, ET AL, Defendants.	)	CIVIL ACTION No. 94-2141

APPENDIX 2

IN THE SUPREME COURT OF PENNSYLVANIA
Western District

COM OF PENNSYLVANIA	:	
	:	No. 57
v.	:	W.D. Misc. Dkt. 1996
EILEEN VEY,	:	
Petitioner	:	

ORDER

PER CURIAM:

AND NOW, this 20th day of June, 1996, the Petition for Review is denied.

APPENDIX 3

ORDER OF COURT

AND NOW, this 30th day of January, 1996, it is hereby

ORDERED that plaintiff's S.O.S. Motions (Reopen and Reconsideration of Case, Etc.) (Document No. 7) is DENIED as said motion is frivolous.

Donald J. Lee
United States District Judge

CC: Ms. Eileen Vey
804 Cedar Avenue
Pittsburgh, PA 15212

Appendix 4

In October 1857, Lt. Edward Fitzgeral Beale and his experimental Camel Corps trudged across the present site of Kingman, Arizona surveying a wagon road along the 35th parallel. After the first travelers encountered hostile Indians in the area, Fort Mojave was established on the Colorado River. Off-duty soldiers scouted the hills and found gold and silver. Mining camps sprang up in the years to come and in the early 1870's cattle were driven in to take advantage of the lush grasses.

Ironically enough, Kingman, Arizona located in a natural basin, surrounded by basaltic hills, was established not as a mining camp, but because of the railroad. In 1880, Lewis Kingman surveyed along the Atlantic and Pacific right of way between Needles and Albuquerque. By 1883 the track was completed. The first reference found to Kingman is from the Alta Arizona, a newspaper published in Mineral Park. The issue of June 10, 1882 states, "There is a new town on the tapis at or near Beale Springs." In October 1882, the Alta Arizona refers to the sampling works at Kingman, also saying that Middleton is to be hereafter named Kingman. In November, 1882, a large hotel, stores and other buildings were going up.

Conrad Shenfield, contractor for the track laying for tthe railroad, was an entrepreneur of sorts, obtaining land at various locations along the route of the railroad. He established and sold lots in Kingman before clear title of the land was obtained. It appears that Shenfield ran afoul of the law and some finagling went on. The townsite location was not railroad land, but belonged to the United States.

With the coming of the railroad, Mohave County changed from a rough frontier area. The town of Kingman, located centrally in Mohave County,and most importantly, on the railroad, grew rapidly in the first few years. Growth was encouraged in 1886 when the Mohave County Miner, the newspaper established in 1882 at Mineral Park, moved to Kingman. The story told by oldtimers is that in the dark of night, a group of Kingmanites stole all the county records from the Mineral Park courthouse and moved them to a temporary courthouse in Kingman. Mineral Park shouted "thieves" but a county election that had been in November of 1886 had legally given Kingman the county seat.

(History of Kingman, Arizona portion)

FILED
SEP 10 1998
OFFICE OF THE CLERK
SUPREME COURT, U.S.

No. 98-17

IN THE
UNITED STATES SUPREME COURT
AMERICA

October Term, 1998

In Re:
Eileen Vey

THE INTERGALACTIC CASE OF LAW AND ORDER

SUPPLEMENT TO
Extraordinary Writ
Petition of Mandamus/Prohibition

Rev. & Dr. Eileen Vey, Th.D.
804 Cedar Avenue
Pittsburgh, Pennsylvania 15212
TEL/FAX (412) 322-3131

22 pp

QUESTION PRESENTED

I.

WILL THIS CASE BRING
JUSTICE FOR ALL.

PARTIES INVOLVED

The United States of America, all goverments of the universe, and "We The People of the Universe!" The Supplemental Petition involve PA Attorney General, Allegheny County D.A.

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No. 98-17
In The
United States Supreme Court
AMERICA

October Term, 1997

In re
Eileen Vey

Supplement To Petition For An
EXTRAORDINARY WRIT

Eileen Vey demands that this Court order PA state to declare her innocence due to "reasonable doubt" in this case of civil rights deprivations of habeas corpus, etc. services.

PREVIOUS ORDERS

As has been noted, all cases ended in denials and, therefore, Vey believes she has been denied due process and has suffered extreme prejudice both here and below.

JURISDICTION

After almost a decade of litigation in federal court, jurisdiction is invoked under 28 §§ 1651(a), 2241, 2254, because she can not obtain relief any other place and, therefore, it is the responsibility of this court to correct the wrongdoing below, **Article VI (2)**, Supplements Rule 15.8.

U.S. CONSTITUTIONAL PROVISION

Due to "reasonable doubt of sanity" and the"exception clause" of the Pennsylvania Gun Law in this case the

provisions involved are Amendments 2, 4, 5, 6, 7, 8, 14, and Articles I § 9 (2) and VI (2).

STATEMENT OF CASE

Eileen Vey has for long years repeatedly proved "reasonable doubt of sanity" with trial transcripts, affadavits, medical documents, photos, in her state case in which she is still in illegal custody to the state parole.

Reasons For Granting Writ

For long years, the U.S. Court of Appeals (3RD) 1) has entered decisions in conflict with other U.S. Courts of Appeal, even their own (discriminative), 2) so departed from the accepted and usual course of judicial proceedings, 3) sanctioned such a departure by lower court, as to call for an exercise of this Court's supervisory power and 4) decided important federal questions in a way that conflicts with this Court; and this Court has gone against a multitude of its own decisions. LEGAL CHAOS!

EXTREME PREJUDICE

For long years, Vey has requested the federal court system to do its duty, Article VI (2), of declaring her innocent due to "reasonable doubt of sanity" in both habeas corpus writs and civil rights cases. Habeas Corpus relief under civil rights deprivations of the 42 USC § 1983 statute is not new to the U.S. SUPREME COURT, which granted writ of certiorari in **Heck v. Humphrey** (1994) 127 LED 2d 69, a prisoner's § 1983 civil rights case containing a demand for a habeas corpus, as Vey. (See also Appendix)

Somewhere in the court's records, there is a case in which a prisoner had to submit litigation on a piece of toilet paper and he got relief. Also, the courts has always treated pro se cases with understanding, because the person is not a lawyer, yet the Clerk has repeatedly returned Vey's litigation, much of which was appropriate, and the courts has repeatedly denied Vey's "reasonable doubt of sanity" and prima facie" case in both §§ 2254 & 1983 submissions.

Vey has suffered extreme prejudice in the federal court system: a valid case with no lawyer, deprivations of due process, with no lawyer she is forced to testify against her

self, court ruled in Vey's case against own previous rulings, Vey forced to pay while poor (§ 2254), ordered to submit cases as professional lawyers. See Vey's briefing No. 96-3751 (CA3RD). In regards to all cases, she has gross legal evidence of extreme prejudice some of which follows below, 28 USC §§ 47, 144, 455(d), no recusals as law demands:

U.S. ex rel Fink v. Tod (1924) 1 F2d 246 revd on other grounds 267 US 571,

> "Purpose of statutory disqualification is to make certain that the U.S. Court of Appeals consists of Judges uncommitted and uninfluenced by having expressed or formed opinion in court of first instance.."

As stated in **Harris v. Champion** (1994), 15 F3d 1538,

> "Standard under federal recusal statues is an objective one and requires recusal whenever reasonable person, knowing all relevant facts, would harbor doubts about judge's impartiality."

In reference to this case' legal premise under 42 USC § 1983, RICO, and 18 USC § 1346, Vey need show rightful deprivations by respondents, **U.S. v. Brown** (1976) 540 F2d 364: (See also Appendix 1)

> "A deceptive scheme will be violative of this section, if it is shown to operate to deprive individuals of significant intangible rights or interests."

> "For the purposes of this chapter, the term 'scheme or artifice to defraud' includes a scheme or artifice to deprive another of the intangible right of honest services." 18 USC § 1346.

DENIED COUNSEL

Vey was abandoned by counsel on appeal, thereby being forced to illegally testify against herself with 1984 confused data of a time she was suffering PTSD from beatings and other abuse, nightmares, all of which was confused with 1984 reality. This envokes violations of Amendment 1 (right to petition judicial government for redress of grievance, Amendment 5 (testify against self), Amendment 6 (right to counsel), Amendment 14 (due process),

Amendment 2 (right to bear arms), Amendment 14 "equal protection" of PA state gun law "exception clause" and homocide defenses.

Furthermore, in **Edwards v. Arizona** (1991), 451 U.S. 477, **this Court** has held that once a suspect invokes his Fifth Amendment right to counsel, not only must the interrogation cease, but the police cannot reinterrogate or otherwise initiate contact designed to produce incriminating statements..

Vey was abandoned by counsel and forced for years, against her will, to litigate a traumatic valid state case in which "reasonable doubt" of sanity was produced.

Furthermore, **this Court** has held in **Rogers v. Richmond** (1961) 365 U.S. 534 that subjecting a defendant to pressures that violate our accusatorial system **offends the due process of law clause which the Fourteenth Amendment guarantees**.

Furthermore, **this Court** in the case of **Miller v. Fenton** (1985) 474 U.S. 104 has ruled accordingly:

> "Certain interrogation techniques, either in isolation or as applied to the unique characteristics of a particular suspect, are **so offensive to a civilized system of justice that they must be condemned**."

Furthermore, **this Court** also has held that under the Fifth Amendment provision against self-incrimination, an accused has right to counsel during in-custody (Vey in custody to parole) interrogations prior to the initiation of adversary proceedings, **Kirby v. Illinois** (1972), 405 U.S. 682, 689.

Under 42 USC § 1983, Vey need show rightful deprivations by respondents:

> "Every person who, under color of any statute, ordinance, regulation, custom or usage, or any State or Territory of the District of Columbia, subjects, or caused to subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in any action at law, suit in equity, or other proper proceeding for redress.."

Alexander v. "American United," Inc. 416 U.S. 745:

> "Irreparable injury is the essential prerequisit for injunctive relief."

Truly v. Wanzer, 12 LEd 88:

> "To obtain an injunction, the right must be clear, the injury impending and threatened so as to averted only by the protecting preventive process of injunction."

The Third Circuit deprived Vey of her right to their own rulings in which they ruled against TWO of their recent cases at time she presented her brief for medical injunction (discrimination). **Barton v. Eichelberger** (CA3RD 1970) 451 F2d 263 and **Merchant & Evans v. Roosevelt Building Products** (CA3RD 1992), 963 F2d 628, 632.

PRIMA FACIE HABEAS CORPUS

In reference to Vey's Prima Facie Habeas Corpus of long years submissions, THE UNITED STATES SUPREME COURT has ruled in the applicable case of **Batson v. Kentucky**, 476 U.S. 79:

> "person claiming to have been a victim of intentional discrimination (employment may make out a prima facie case) by relying solely on the facts concerning the alleged discrimination against him."

THE UNITED STATES SUPREME COURT also has ruled in an applicable case concerning Vey's SEEKING PRIMA FACIE HABEAS CORPUS RELIEF (i.e., her voluminous evidence attached in previous submissions, trial transcripts, photo, medical documents, affadavits), **Thompson v. Baltimore & O.R. Co.** (1945) 59 FS 767, cert denied 329 U.S. 762, 91 LEd 657:

> "investing the federal courts with power to declare the rights of any interested party seeking the declaration must plead and prove the facts which entitle him to relief, inasmuch as he is affirmatively seeking a judgment to establish his rights."

Courts use the concept of "prima facie" case in two senses: (1) in sense of plaintiff producing evidence sufficient to render reasonable a conclusion in favor of allegation she asserts; and (2) in sense that, not only the plaintiff's evidence would reasonably allow conclusion plaintiff seeks,

but also that plaintiff's evidence compels such a conclusion, if the defendants produce no evidence to rebut it, **Husbands v. Com of PA**, D.C. of PA , 395 FS 1107, 1139.

Prima Facie Evidence is evidence good and sufficient on its face and such evidence which, in the judgment of the law, is sufficient to establish a given fact. Moreover, prima facie evidence is evidence which, if unexplained or uncontradicted, is sufficient to **sustain a judgment in favor of the issue which it supports. State v. Haremza**, 213 Kan. 201, 512 P.2d 1217, 1222.

'REASONABLE DOUBT"

What is the "reasonable doubt" of which Vey demands that **this Court** declare her innocence and, therefore, command Pennsylvania to clear her of all charges immediately? REASONABLE DOUBT OF SANITY OR CONSCIOUSNESS (responsibility)!!

Vey has for long tiring years has supported her claims of "illegal custody" and "kidnapped under color of state" with exceptional voluminous evidence in the courts and, not only have new evidence to this particular case, but **new evidence to the court**. That evidence is the confidential file of the late Pittsburgh City Councilman and attorney, Robert Rade Stone, which file states that when he saw Eileen Vey in jail after her arrest, she stated to him that she did not remember anything. This verifies the BLACKOUT, showing lack of responsibility, "reasonable doubt!"

The repeated evidence is 1) Vey's own declaration of "illegal custody," "kidnapped under color of state," which meets the unrebuted prima facie evidence law, 2) trial records of supporting evidence, 3) medical records of beatings, 4) Press photo of bag lying next to deceased (weapons known to be carried by him, according to trial record testimony, were allegedly not found on or in his bag of deceased (evidence tampering), 5) marriage licence copy proving married by PA Common Pleas Judge, Vey crime detection of Heinz murder (possible case tampering: note Vey was abandoned by Federal Public Defender, Thomas W. White and PA state appointed attorney Lynn McBeth, and her PCRA was in the Court of Common Pleas 4 years!), 6) PA gun law "exception clause" 18 PA CSA § 6101 (b), trial testimony and Vey's statement of nomadic life in station wagon (deceased running from prosecution) and, therefore,

met the exception rule. The trial records of overwelming evidence of "reasonable doubt" were statements of witnesses stating 7) Vey cried for "help," 8) suffering the "battered wife syndrome," and bi-polar condition at the time of the torturous life (psychiatrist), the gun being fired **without bullets** (detective), right from wrong issue, 9) Vey complained of head hurting and detective gave head ache medicine (possible head injury), but did not let her see medical doctor (detective statement) and now the **new evidence** of 10) the file report stating Vey had no memory of the tragedy by the late attorney Robert Rade Stone, evidence Vey never submitted previously (unavailable).

Vey again has proved "reasonable doubt" of the 3RD Homocide (acquitted of 1ST) charge and the PA Gun charge: life-style was that of a transient, nomad, wagon was home, which situation warrants the "exception clause."

Therefore, because there is no "proof of guilt beyond a reasonable doubt," the rule of **Jackson v. Virginia**, 443 US 307 (1979), at 324, (reh dn 444 US 307) is grossly applicable to Vey's case.

> "The applicant is entitled to habeas corpus relief if it is found that upon the record evidence adduced at trial no rational trier of fact could have found proof of guilt beyond a "reasonable doubt."
>
> See also Com. v. Ruth, McNaughten Rule

CONCLUSION

THEREFORE, the petitioner, Eileen Vey, hereby demands that this court declare her innocent and order PA state to vacate judgment and clear the record of the both charges.

Respectfully submitted,

Eileen Vey, po se

Appendix 1

IN THE SUPREME COURT OF PENNSYLVANIA
Western District

COM OF PENNSYLVANIA	:	
v.	:	No. 57
	:	W.D. Misc. Dkt. 1996
EILEEN VEY,	:	
Petitioner	:	

ORDER

PER CURIAM:

AND NOW, this 20th day of June, 1996, the Petition for Review is denied.

Appendix 2

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 91-3021

EILEEN VEY, 007617
v.
WILLIAM WOLFE

Eileen Vey,
Appellant

On Appeal From the U.S. District Court
For the W.D. of Pennsylvania
(D.C. Civil Action No. 90-00035)
District Judge: Honorable Barron P. McCune

Submitted Pursuant to Third Circuit Rule 12(6)
September 3, 1991

BEFORE: STAPLETON, GREENBERG, and ALIDSERT,
Circuit Judges

(Opinion Filed Nov 13 1991)

RECEIVED
NOV 16 1991
FEDERAL PUBLIC DEFENDER
W.D. OF PENNSYLVANIA
(THOMAS W. WHITE)

CLIENT'S COPY

OPINION OF THE COURT

PER CURIAM:

Petitioner Eileen Vey is a prisoner at the State Correction Institution in Muncy, Pennsylvania. Following a bench trial in the Court of Common Pleas for Allegheny County in 1985, she was convicted of third degree murder and unlawful firearms possession and was sentenced to serve seven to eighteen years imprisonment. The Superior Court affirmed the judgment of sentence, and thereafter the Pennsylvania Supreme Court declined to hear Vey's appeal.[1] In September, 1988, Vey filed a petition pursuant to Pennsylvania's Post Conviction Relief Act (PCHA). After an evidentiary hearing, the petition was denied in August, 1989. Several weeks later, petitioner's counsel filed a notice of appeal from the denial of this petition.

Also in September, 1989, Vey filed her first petition for writ of habeas corpus in the United States District Court for the Western District of Pennsylvania. Soon thereafter,

---

1. Vey raised four issues before both the Superior Court and the Pennsylvania Supreme Court in her direct appeal: (1) Whether the trial court erred in failing to suppress two statements taken in violation of Miranda v. Arizona, 384 U.S. 436 (1966); (2) whether the trial court erred when it refused vey's request to introduce evidence of the victim's past criminal record; (3) whether the trial court erred in failing to grant a new trial due to the verdict being against the weight of the evidence; and (4) whether it was unconstitutional for the trial court to require Vey to prove her own insanity.

petitioner filed a pro se notice of withdrawal of her state PCRA appeal, stating that she wished to pursue her claims in federal court. Prior to receiving formal notice of this withdrawal, the federal district court dismissed the habeas petition for failure to exhaust state remedies. This court subsequently denied Vey's request for a certificate of probable cause.

Vey filed the instant, second petition for writ of habeas corpus on January 9, 1990. This petition originally raised three claims; as amended, the petition raises seven claims.[2] The magistrate recommended that the petition be denied because petitioner had deliberately bypassed available state court remedies. By memorandum order entered January 4, 1991, the district court (McCune, J.) adopted the magistrate's report and recommendation, denied the habeas petition and found no probable cause for appeal.

Vey filed a notice of appeal, and this Court granted a certificate of probable cause on April 11, 1991. We have jurisdiction under 28 U.S.C. §§ 2253 and 1291.

---

2. The seven claims raised in the instant petition are as follows: (1) the verdict was against the weight of the evidence; (2) the PCRA judge acted under a conflict of interests; (3) counsel at trial rendered ineffective assistance; (4) exculpatory evidence regarding petitioner's mental health was ignored; (5) denial of a fair trial due to admission of perjured testimony; (6) statements were obtained and admitted at trial in violation of Miranda; and (7) there was exculpatory evidence at trial showing petitioner's failure to distinguish right from wrong. All these claims had been raised in Vey's PCRA petition.

About a valid excuse, a peitioner must fairly present all federal claims to the highests state court before they may be reviewed by a federal court on a habeas petition. 28 USC § 2254(b); Rose v. Lundy, 455 U.S. 509 (1982). In some cases, however, the petitioner is unable to present claims to the highest state court due to a procedural bar. In this case, for example, Vey withdrew her PCRA appeal before reaching the Pennsylvania Supreme Court; as a result, she may not again raise these claims in state court. Commonwealth v. Shaffer, 569 A.2d 360, 363-64 (Pa. Super. 1990), appeal denied, 577 A.2d 889 (pa. 1990).

In Coleman v. Thompson, ___U.S.___, 111 S.Ct. 2546 (1991), the United States Supreme Court recently held that where a state prisoner's federal claims are barred in state court because of a default on her part, and the prisoner is thus prevented from presenting her claims to the highest state court, habeas review of the claims in the federal system is barred unless the prisoner can demonstrate cause for the default and actual prejudice as a result of the alleged violation of federal law. The Court did not base its decision on the principle of exhaustion, but rather on the independent and adequate state ground doctine: that is, where a prisoner has defaulted her federal claims in state court, her custody is supported by the procedural bar itself. If a federal court were to require a new trial for a prisoner in these circumstances, it would render ineffective the state procedural rule. Id., 11 S. Ct. at 2554.

Vey argues that the withdrawal of her PCRA appeal was a mistake, taken without the advice of counsel, and suggests that this error is sufficient cause for her default. The Court in Coleman, however, made clear that the petitioner bears the risk of procedural errors made in state proceedings. Indeed, the Court stressed that only constitutionally ineffective assistance of counsel constitutes cause; otherwise, the State bears no responsibility for the default. Id. at 2566-67; See also Murray v. Carrier, 477 U.S. 478, 488 (1986) (responsibility for errors of constitutionally ineffective counsel imputed to the State through Sixth Amendment). Because petitioner enjoys no constitutional right to counsel in post-conviction proceedings, Vey's decision to withdraw from collateral state review is therefore not cause for her default. Coleman, 111 S.Ct. at 256-67. This is true even though Vey apparently withdrew

her PCRA appeal with the intention of getting to federal court as soon as possible. It follows that Vey could not advance before the district court the seven challenges to her conviction contained in her PCRA petition.

This does not end our jurisdiction inquiry, however. Before commencing collateral review, Vey appealed her conviction directly to the Supreme Court of Pennsylvania. It is well settled that a petitioner need not appeal issues through the state courts more than once in order to exhaust her claims. Castille v. Peoples, 4889 U.S. 346, 340-51 (1989) (where petitioner has fairly presented claim to state courts through direct appeal,subsequent collateral review not necessary for exhaustion); Brown v. Allen, 344 U.S. 443, 447-50 (1953)("[i]t is not necessary...for the prisoner to ask the state for collateral relief, based on the same evidence and issues already decided by direct implicate the independent and adequate state ground doctrine, because the procedural default occurring on collateral review did not prevent the Supreme Court of Pennsylvania from facing these issues once. Finally, inclusion of claims that are procedurally barred does not render this a "mixed petition" of exhausted and unexhausted claims whidh must be dismissed in its entirety under Rose v. Lundy, 455 U.S. 509 (1982). All the claims raised by Vey in the instant petition are exhausted because state remedies are no longer available with respect to any of them. Engle v. Isaac, 456 U.S. 107, 125-26 n. 28 (1982); See also Teague v. Lane, 489 U.S. 288, 298 (1989) (where collateral relief is unavailable due to procedural bar, state remedies have been "exhausted" with respect to that claim). Further state review of the barred claims is no longer possible; application of the Rose rule here would have the effect of forever excluding truly exhausted claims from federal haeas review.

It follows that the district court should have considered claims presented in the petition which had previously been considered on direct appeal. Two issues have thus been preserved: (1) whether the trial court erred in failing to oppress two statements made by Vey taken in violation of Miranda, and (2) whether the trial court erred in failing to rant a new trial when the verdict was against the weight of the evidence.

We will reverse the judgment of the district court and remand for further proceedings consistent with this opinion.

TO THE CLERK

Please file the foregoing Per Curiam Opinion.

By the Court.

Circuit Judge

Appendix 3

(Four Pages)

Please turn booklet sideways to view copy of original record divided into next four (4) pages.

ROBERT RADE STONE, ESQUIRE

W O R K S H E E T

Pft_____ Dft_____ Date:_____ File#_____

CLIENT: MUSHINSKY, EILEEN

Address:_____

Phone:_____ Bus:_____

Born:_____ Guardian:_____

Marital Status:_____ Spouse:_____

INS: Med Pay:_____ Hosp:_____

Property:_____

NAME:_____

Address:_____

Phone:_____ Bus

Ins. Co._____

Claim No:_____

Co: _____ Adj: _____ Phone: _____

Claim No: _____ Atty: _____ Phone: _____

FEE: Flat: _____ Time: _____ Address: _____

Cont: _____ Amount: _____

Rate: _____

KIND OF CASE: _____ D/A: _____ S/L: _____

HEARING DATE: _____ Referred by: _____

(2)

DATE	SERVICE OR REMARKS	TIME	CHARGE	ATTY
6/13/84	T/C FROM Ann Hawk. Allegedly Eileen Mushinsky shot 2nd husband on the bridge. Allegedly she married him 12/22/83 and he's a man with 11 children. I'm to check this out.	.3		RRS:pgn
6/15/84	T/C, COLLECT, from Eileen Mushinsky from County Jail. Request we visit Monday. Request advise.	.3		RRS:pgn

6/18/84	WENT, PER REQUEST, to s Mushinsky Vey in re: advise. She claims no memory of events. Could not advise. Recommended she get an attorney.	1.0		RRS:pgn
7/30/84	T/C FROM Mrs. Vey in re: conference tonight. Set it up at 9 p.m.	.3		RRS:pgn
7/30/84	CONFERENCE WITH Mrs. Vey. After getting the facts, I recommended she get an attorney immediately. The matter is very serious and too much time is passing without preparation.	.5		RRS:pgn

(3)

(4)

DATE	SERVICE OR REMARKS	TIME	CHARGE	ATTY
8/15/84	DIRECTED ASSOCIATE to call Lester Nauhaus at Public Defender's Office in re: complaint of service on her homicide case.	.3		RRS:pgn
10/19/84	RECEIVED CALL FROM Client and since RRS was tied up, she wanted to inform me that the Judge got a private attorney, (Peter Dickson) to represent her in this case and she was grateful for what office did in matter.	.2		RJF:js
12/19/84	----------CLOSED----------			RRScjd

ORIGINAL.

I, D. Martin Wekselman

hereby certify that on the 22 day of December one thousand nine hundred and 33 at Pittsburgh

Eugene C. Vey and Eileen Muslinsky

Were, by me

United in Marriage,

in accordance with license issued by the Clerk of the Orphans' Court Division of the Court of Common Pleas of Allegheny County, Pennsylvania,

Numbered 57632 Series TWO-C Signed D. Martin Wekselman

Title Judge Court of Common Pleas

Appendix 4
(Two Pages)

BEST AVAILABLE COPY

THIS LICENSE MUST BE USED WITHIN 60 DAYS FROM DATE OF ISSUE

COMMONWEALTH OF PENNSYLVANIA } ss.
COUNTY OF ALLEGHENY

No. 57632 Series TWO-C

To any Person Authorized by Law to Solemnize Marriage:

You are hereby authorized to join together, in the holy state of matrimony, according to the Laws of the Commonwealth of Pennsylvania.

Eugene C. Vey, of full age and ~~never~~ once heretofore married, and Div. January 11, 1983

Eileen T Mushinsky, likewise of full age and ~~never~~ twice heretofore married, Div 10-1967 Div. February 10, 1981.

Given under my hand and seal of the Orphans' Court Division of the Court of Common Pleas of the County of Allegheny, at Pittsburgh, this 19th day of December Anno Domini one thousand nine hundred and Eighty - Three.

Rita Wilson Kane Clerk